

**REMARKS**

This application was filed with Claims 10-19. Claims 10, 12, 14 and 15 stand rejected under 35 USC § 112. Claims 10-19 stand rejected under 35 USC §102. These rejections are respectfully traversed.

Specification

The specification has been amended to include section headings. In particular, Applicant would like to direct the Examiner's attention to the delineation between the discussion of prior art under "Background of the Invention" and the disclosure under "Summary of the Invention."

Rejections under 35 USC §112

Claims 10, 12, 14 and 15 stand rejected under 35 USC § 112, first paragraph, as failing to comply with the written description requirement, in that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The rejection is respectfully traversed.

In rejecting the claims, the Examiner has referred to variations of the language "pausing for a pre-determined time separation period," "activating the time delay unit for a pre-determined time separation," "deactivating the vibration unit and initiating a time delay" and "activating the vibrating unit over a drying time period." Applicants direct the Examiner's attention to support for the various forms of these claim elements in the disclosure, specifically, paragraph [005], lines 1-5 and 12-13, paragraph [008], lines 8-10 and paragraph [020], lines 30-31 of the specification and Figure 2 of the drawings. In light of these recitations in the disclosure, withdrawal of these rejections under 35 USC §112, first paragraph, is respectfully requested.

Rejections under 35 USC §102

Claims 10-19 stand rejected under 35 USC §102(b) as being anticipated by Hess et al. US Patent No. 6 196 219.

It is well established that in order for a claim to be anticipated by a reference, each and every limitation of the claim must be found in that reference. Hess et al. '219 discloses a liquid droplet spray device for an inhaler that comprises a microdosing device with a dosing chamber for receiving a liquid quantity and with which is associated a discharge opening. The microdosing device includes a vibrating unit in operative connection with at least one boundary surface of the dosing chamber. The vibrating unit is disclosed as a piezoelectric element that is controllable for activation during the duration of an atomization cycle. The microdosing unit is also disclosed as including a flexible heating surface for heating the liquid to a predetermined temperature that is advantageous for dispersal. The heating element is also disclosed as being capable of contributing, at the end of the atomization cycle, to the evaporation of any liquid left in the dosing chamber, and that the vibrating unit may continue operation for a predetermined time after the inhalation cycle has ended.

Contrary to the Examiner's assertion, Hess et al. '219 does not disclose a method of operating the microdosing device comprising the step of pausing for a pre-determined time separation period, as required by Claim 10. Hess et al. '219 does not disclose the method comprising the step of activating the time delay unit for a pre-determined time-separation, as required by Claim 12. Hess et al. '219 does not disclose the method comprising the step of deactivating the vibrating unit and initiating a time delay, as required by Claim 14. In the rejection of each of these claims, Examiner asserts that "Inherently there is a pause between the inhalation period and the drying period." This is simply not the case. First, Hess et al. does not teach this, so a rejection of the claims under 35 USC §102 is improper. Even if a pause were inherent, any

"inherent" pause still does not reach the limitations found in the claims, which call for "a pre-determined time separation period" or "initiating a time delay" respectively. Nothing found in Hess et al. '219 even hints at a deliberate, pre-determined time separation period between the delivery time period and the drying time period.

In direct opposition to the concept of a pre-determined time separation, or a time delay, Hess et al. '219 discloses that the vibrating unit may continue after the inhalation cycle has been completed, in conjunction with the heating element. More specifically, Hess et al. '219 advocates, at column 7, lines 18-22, the continuation of the actuation of the "vibrating means" after the inhalation cycle has ended, rather than any time delay to separate the inhalation and drying cycles. This arrangement has the disadvantage that any residue remaining in the dosing chamber may be introduced into the inhalation cycle, resulting in imprecise dosing by the microdosing device.

The microdosing device according to the claimed invention is specifically directed to overcome this failing of the prior art by providing a distinct, time-separated drying of the dosing chamber. By providing a time-separated drying time for removing residue from the dosing chamber, the microdosing device ensures a more precise dosing, in that the user, for example, is no longer inhaling during the drying time. Further, the time-separated drying period still ensures that residue is eliminated before a subsequent delivery/inhalation cycle is initiated.

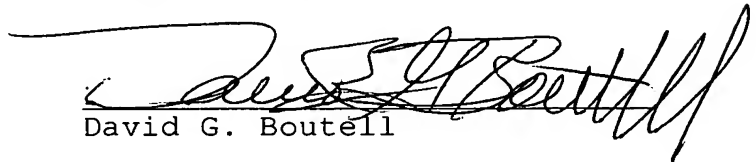
Hess et al. '219 clearly does not disclose the feature of a pre-determined time separation or time delay as required by independent Claims 10, 12 and 14. Therefore, Claims 10, 12 and 14 are not anticipated by Hess et al. '219. Claims 11, 13 and 15-19, which depend from Claims 10, 12 and 14 are therefore also not anticipated by Hess et al. '219. Withdrawal of the rejection of Claims 10-19, and

reconsideration of the claims, is therefore respectfully requested.

Conclusion

In light of the foregoing, Claims 10-19 are considered in condition for allowance, and an early Notice of Allowability is courteously solicited. If necessary to expedite the further prosecution of this application, the Examiner is invited to contact the Applicants' representatives listed below.

Respectfully submitted,



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